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STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

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DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2013 - 11

EFFECTIVE: January 1, 2013

DATE: December 13, 2012

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Daniel H. Heyns, Director

SUBJECT: PD 05.03.130 "Prisoner Telephone Use"

SUPERSEDES 2012 - 12 (effective 2/1/12)

The Department entered into a contract with Public Communications Services (PCS) in 2011 to provide telephone services to prisoners. As part of PCS telephone services, prisoners may call the first 20 personal numbers the prisoner chooses to call each quarter (i.e., Jan-Mar; Apr-Jun; Jul-Sep; Oct-Dec) unless the number is blocked in accordance with PD 05.03.130. The first 20 personal numbers called each quarter will become the prisoner's "Personal Allowed Numbers" (PAN). Prisoners also may call numbers on the universal list. Staff have no responsibility for verifying or approving the numbers on a prisoner's PAN except as set forth in this Director's Office Memorandum.

Prisoners are prohibited from calling the victim of an offense for which the prisoner is serving unless the victim authorized the call in writing as set forth in PD 05.03.130. Prisoners who attempt to call a victim who they are not authorized to call shall be subject to discipline as set forth in PD 03.03.105 "Prisoner Discipline". In addition, the prisoner may have his/her telephone privileges restricted as set forth in PD 05.03.130.

At the beginning of each quarter, all personal telephone numbers on a prisoner's PAN will be reset unless the number is not monitored; a number that is not monitored will remain on a prisoner's PAN until s/he requests that the number be deleted or changed, the number is blocked under PD 05.03.130, or the number has not been called for at least five years. This means that a new PAN will be created each quarter based on the first 20 personal numbers the prisoner calls during that quarter reduced by any non-monitored telephone numbers remaining on the PAN. (See information below for additional requirements regarding non-monitored calls.) This will enable prisoners to add or change telephone numbers of those they want to call by simply calling a new or different number each quarter. As a result, the only PAN changes that will be allowed during a quarter are as follows:

1. To add, delete, or change the business telephone number of an attorney or a legitimate legal

service organization provided the attorney is not related to the prisoner by blood or marriage.

2. To add, delete, or change the telephone number of a public official (i.e., any elected federal, state, or local government official, or a consulate general) who has made a written request to not have his/her calls monitored.
3. To delete any other number from a PAN containing the maximum allowable numbers so the prisoner may enter a new number. This shall be permitted only for special circumstances as set forth in facility operating procedures (e.g., the number on the PAN belongs to an immediate family member and has been changed) and only if authorized by the Warden or designee. The Warden may require verification of the need to delete the number. Only staff designated by the Warden may delete a telephone number from a prisoner's PAN.

To request a PAN change for the reason set forth in no. 1 above, the prisoner must submit a completed Telephone Agreement and Number List (Form CAJ-370) as is currently required under PD 05.03.130. A Telephone Agreement and Number List shall not be used for any other purpose. Requests to add, delete, or change the telephone number of an attorney, a legitimate legal service organization, or a public official shall be processed as set forth below for non-monitored telephone calls.

NON-MONITORED TELEPHONE CALLS

All telephone calls shall be monitored except for calls to attorneys and legitimate legal service organizations identified by the prisoner (subject to verification), to a public official upon request of the public official, and to a number on the universal list which is identified as not being subject to monitoring.

Public Officials

Requests received from a public official to not have his/her telephone calls monitored shall be processed as set forth in PD 05.03.130. The CFA Deputy Director or designee shall notify the appropriate Warden within one business day after receipt of notification from PCS that the number has been entered as a non-monitored number; the Warden shall ensure that the prisoner is notified in writing within one business day after receipt of notification from the CFA Deputy Director or designee.

Attorneys and Legitimate Legal Service Organization

To not have the business telephone number of an attorney or legitimate legal service organization monitored, a prisoner must submit a completed Telephone Agreement and Number List form (CAJ-370) as is currently required under PD 05.03.130. Housing unit staff shall verify the number as set forth in PD 05.03.130. Once verified, the information shall be transmitted to PCS within one business day. PCS will add the number to the prisoner's PAN as one of his/her 20 allowable personal numbers but designate it as not subject to monitoring, and provide written confirmation to the institution of this action, within two business days. Designated facility staff shall notify the prisoner that the number has been added to his/her PAN as a non-monitored number within one business day after receipt of confirmation from PCS.

Prisoners should not call an attorney or legitimate legal organization until confirmation is provided that the call will not be monitored; a call made by a prisoner prior to receiving confirmation that the number has been added to his/her PAN as being non-monitored may result in the call being monitored. All monitored calls will be identified as such by a voice-over announcement at the beginning of the call which both the prisoner and the party being called can hear. A prisoner who chooses to continue a call to an attorney or legitimate legal service organization after being notified that the call is being monitored does so with the understanding that s/he is waiving any right s/he may have to confidentiality.

NOTICE OF MONITORING

PD 05.03.130 currently requires Wardens to ensure that signs are posted on or beside each telephone designated for prisoner use which specifically state that all calls are being recorded and may be listened to. The signs are required by PD 05.03.130 to be in English, Spanish, and, at facilities designated to house visually impaired prisoners, Braille. PCS will include this required information in both English and Spanish on a label affixed to each telephone; additional signs are not required. Signs in Braille are no longer required since the voice-over announcement at the beginning of each call provides adequate notice of monitoring to those who are sight-impaired. Wardens shall ensure that the label is replaced if it is removed or defaced in a way that makes it illegible.

ACCESS TO TELEPHONE MONITORING RECORDS

In addition to those authorized access to telephone monitoring records under PD 05.03.130, a Warden who believes it is necessary to access telephone monitoring records of a prisoner at another institution may authorize his/her Deputy Warden, Inspector, or other staff responsible for the call control system at his/her institution to access those records with written approval of the Warden of the institution at which the prisoner is housed. If approved, the Warden approving the request shall contact the Automated Data Systems Section to allow for access.

CALLS BETWEEN PRISONERS WHO ARE IMMEDIATE FAMILY MEMBERS

Paragraphs MM through PP of PD 05.03.130 set forth the process for a prisoner to call another prisoner who is an immediate family member. Such calls are no longer allowed except in an emergency situation as determined by the Warden or designee. Emergencies include critical illness or death of an immediate family member, serious prisoner illness, and other situations as determined by the Warden or designee. Approval is required by the Wardens of the institutions at which both prisoners are housed. If approved, designated staff at the facility at which the prisoner who requested the call is housed shall arrange and schedule the telephone call. The call shall be placed and received in the housing unit by housing unit staff. Once the call is connected, the prisoners shall be permitted to begin their conversation, which shall not exceed 15 minutes. Housing unit staff shall be present for the duration of the call and listen to the entire conversation. Housing unit staff shall terminate the call for any of the reasons set forth in Paragraph HH of PD 05.03.130 or if the prisoner engages in any misconduct during the telephone call.